

1139
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FILED WITH THE BOARD OF
PSYCHOLOGICAL EXAMINERS
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STATE OF NEW JERSEY
DEP'T OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF PSYCHOLOGICAL EXAMINERS
DIV. OF LAW DOCKET NO. 93-52190

IN THE MATTER OF THE SUSPENSION :
OR REVOCATION OF LICENSE OF : ADMINISTRATIVE ACTION
MARSHALL E. LEVINE, Ph.D. :
LICENSED TO PRACTICE PSYCHOLOGY : FINAL ORDER
IN THE STATE OF NEW JERSEY :

This matter was presented to the State Board of Psychological Examiners by way of an 11-Count Complaint filed June 23, 1994 by the Attorney General of New Jersey, by Joan D. Gelber, Deputy Attorney General. The Complaint alleged violations of numerous laws and rules implemented by the Board.¹ A Supplemental Complaint containing Count 12 was filed October 24, 1994 alleging the same violations with regard to an additional female patient.

Respondent has maintained professional offices for the practice of psychology at locations including 802 Tilton Road and 1601 Tilton Road, Northfield, New Jersey, and at 2106 New Road, Linwood, New

¹ The Complaint charged violations of N.J.S.A. 45:1-21(b), (c), (d), (e), (h); N.J.S.A. 45:14B-14, 45:14B-24(e) and (f); and rules of the Board, including N.J.A.C. 13:42-4.1(a)(1)(iii), (a)(1)(iv), (a)(1)(ix), (a)(1)(xvi)(1), (a)(1)(xvii)(1), (a)(1)(xvii)(4), (a)(1)(xvii)(5), (a)(1)(xxiii)(3)(A), (a)(1)(xxiii)(3)(I), (a)(1)(xxv)(3), (a)(1)(xxv)(5), (a)(1)(xxvi)(3), (a)(1)(xxvi)(6). On November 1, 1993, the Board rules cited herein were repealed for recodification and new rules were adopted. Current citations approximately comparable in content to the former rules include N.J.A.C. 13:42-8.1, 8.5, 9.2, 10.3, 10.5, 10.8, 10.9, 10.14. The Attorney General has amended Count 10, par. 4, to delete reference to patient C.H.

Jersey. Respondent has held Board license #1139. Respondent is represented herein by the firm of Theodosia A. Tamborlane, P.C.

The parties having considered this matter, Dr. Levine has determined to enter into this Order in lieu of proceeding to trial, and has entered the following pleas to each Count of the Complaint, as supplemented:

Count 1 as to L.V.,	no contest;
Count 2 as to L.S.,	no contest;
Count 3 as to C.D.,	no contest;
Count 4 as to J.T.,	no contest;
Count 5 as to J.G.,	no contest;
Count 6 as to C.P.,	no contest
Count 7 as to S.D.G.,	no contest
Count 8 as to L.M.,	no contest
Count 9 as to L.O. and G.D.M.,	no contest
Count 10 as to S.R.,	no contest
Count 11 as to S.R. and C.D.,	no contest
Count 12 as to M.S.,	no contest

Respondent has represented that he counseled and transferred all patients current as of the latter part of 1994, and that he closed his professional practice as of December 30, 1994.

The Board having duly considered the matter, and for good cause shown,

IT IS, on this 27th day of February 1995

ORDERED:

1. Respondent's license to practice psychology in the State of New Jersey be and it is hereby revoked, effective January 1, 1995.

Respondent shall promptly deliver to the Board his engrossed license and biennial registration.

2. Respondent having already made an orderly disposition of his current client caseload for discharge or to facilitate transfer to other therapists or for referrals to clinics, as appropriate to each client, respondent shall continue to make his treatment record for each transferred client available to an authorized subsequent treating therapist, and respondent shall comply with the requirements of N.J.A.C. 13:42-8.1 and 8.3.

3. As of January 1, 1995, respondent shall cease and desist from the practice of psychology or any branch thereof in this State and shall comply with N.J.A.C. 13:42-1.6.

5. Respondent shall comply with the Directive regarding future activities of a disciplined licensee, which document is appended hereto as Attachment A and incorporated herein. (as amended)

6. In the event that respondent shall ever seek reinstatement of license in this State, no such application shall be made sooner than two years from the effective date of this Order. No credit for the two year absence from practice shall be given for any period of time during which respondent engages in the practice of psychology for any remuneration in any jurisdiction or state.

At the time of such reinstatement application, respondent shall submit proof to the Board that he has successfully completed an ethics course acceptable to the Board.

Respondent shall further submit proof that all payments required by this Order have been completed.

Respondent shall further submit proof that he has engaged in a regular course of personal psychotherapy, at least once weekly, with a licensed mental health practitioner with whom respondent has had no familial, personal, collegial or employment relationship. Said therapist shall submit a report to the Board confirming awareness of the charges in the Complaint and of this Order. The therapist shall state the current diagnosis(es), plan of care, frequency and length of sessions, attendance and compliance with recommended treatment regimen, and level of functioning.

Respondent agrees that the therapist shall incur no liability to respondent as a result of his/her good faith performance of the tasks assumed as set forth herein.

7. Prior to Board determination on the petition for reinstatement of the license, respondent shall appear, on notice, before a designated committee of the Board to discuss his status and the extent to which he has engaged in continuing psychological education and has benefitted from the abovesaid rehabilitation measures. Following such meeting, the full Board will determine what, if any, additional contemporary information is needed, and whether any current professional skills assessment is needed. If the Board is satisfied that respondent has reasonably demonstrated rehabilitation of character, insight, professional education and practical skills, the Board shall reinstate respondent's license to practice, subject to such limitations as to type and location of practice, review and monitoring as the Board shall deem necessary to protect the public health, safety and welfare.

The Board may direct that resumption of practice shall be under the supervision of a Board-approved supervisor for up to two years, at

respondent's expense. If so, the supervisor shall be required to agree to submit quarterly reports addressing respondent's perceived compliance with accepted standards of practice and of ethics, with particular regard for the issues involved in the disciplinary Complaint. The supervisor shall be required to agree to notify the Board within 48 hours in the event of unilateral termination of supervision or significant deterioration in the conduct of the professional practice. If and when the supervisor concludes that supervision is no longer needed or is no longer effective, the supervisor shall be permitted to submit to the Board a comprehensive report addressing the issues. All costs associated with supervision shall be paid directly by respondent.

8. Respondent agrees that the supervisor, if appointed, shall incur no liability to respondent as a result of his/her good faith performance of the tasks assumed as set forth herein.

9. Respondent shall reimburse patients/third party payors, as their interests shall appear, in the amounts set forth on Schedule B attached, pursuant to N.J.S.A. 45:1-22, totalling \$17,186.00. The complete name and address of each such person shall remain in the confidential files of the Board. Payment shall be made by certified check, money order, or attorney's check, payable to the State Board of Psychological Examiners. The Board shall transmit a check in the appropriate amount to the designated recipient.

10. Respondent shall pay to the State Board of Psychological Examiners costs of \$3,346, pursuant to N.J.S.A. 45:1-25.

11. Respondent shall pay to the State Board of Psychological Examiners penalties of \$50,000 pursuant to N.J.S.A. 45:1-22, except as said requirement may be modified by paragraph 15.

12. The sums due as reimbursement, costs and penalties shall be paid to the Board within 10 days of the entry of this Order.

13. If full payment is not made within 10 days, the Board shall file a Certificate of Debt, and respondent may pay in regular installments of no less than \$1,000 per month, with interest as set forth in Rule 4:42-11(a) of the Rules of Court, or on such lesser monthly schedule as the Board may permit from time to time upon good cause shown. Payment of each installment shall be due on the first day of each month, commencing ~~January 1, 1995~~ ^{March 1, 1995}. Each payment shall be made by certified check or United States Postal Money Order. Any payment proffered after the 10th day of the month in which it is due and owing shall not be accepted unless it is accompanied by a late fee in the amount of 10% of the past due payment. Acceptance of any late payment by the Board shall not be deemed to waive a Board right with regard to the monies due for that month or the balance due. Failure to make any payment in a timely manner shall result in the entire judgment becoming automatically due and payable.

14. Payment shall be applied first toward the costs and reimbursement. After said debts have been satisfied, payment shall be applied toward the penalties.

15. At such time as respondent completes payment of the costs and the reimbursement of patients/third party payors, the penalty shall be reduced to \$12,000. At such time, the Board shall waive or credit, as applicable, the amount of interest ascribable to the total

amount of penalties prior to the reductions authorized by this paragraph.

16. Respondent shall, within 72 hours of change of permanent or extended temporary residence, notify the Board of such change.

This Order is effective as of January 1, 1995, nunc pro tunc.

STATE BOARD OF PSYCHOLOGICAL EXAMINERS

BY: Jeffrey H. Tindall, Ph.D., Chair
Jeffrey H. Tindall, Ph.D., Chair

I have read the above Order and
I understand its terms. I consent
to the entry of the Order by the
State Board of Psychological Examiners.

[Signature]

Date: 2/22/95

Sworn and subscribed to before me
this 22nd day of February, 1995.

Gayle L. Dillon
Notary Public of New Jersey

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Oct. 10, 1995
Gayle L. Dillon